

AN ACT

ENTITLED, An Act to provide that a temporary restraining order may extend beyond thirty days in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 25-10-1 be amended to read as follows:

25-10-1. Terms used in this chapter mean:

- (1) "Domestic abuse," physical harm, bodily injury or attempts to cause physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury between family or household members;
- (2) "Family or household members," spouses, former spouses or persons related by consanguinity, adoption or law, persons living in the same household, persons who have lived together, or persons who have had a child together;
- (3) "Protection order," an order restraining any family or household member from committing any act of domestic abuse or an order excluding any family or household member from the dwelling or residence of another family or household member, whether or not the dwelling or residence is shared. A protection order has a duration of three years or less; and
- (4) "Temporary protection order," an order restraining any family or household member from committing any act of domestic abuse or an order excluding any family or household member from the dwelling or residence of another family or household member, whether or not the dwelling or residence is shared. A temporary protection order has a duration of thirty days except as provided in section 3 of this Act.

Section 2. That § 25-10-7 be amended to read as follows:

25-10-7. An ex parte temporary protection order is effective for a period of thirty days except as provided in section 3 of this Act. The respondent shall be personally served forthwith with a copy of the ex parte order along with a copy of the petition, affidavit, and notice of the date set for the

hearing.

Section 3. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as follows:

If an ex parte temporary protection order is in effect and a judge issues a protection order pursuant to § 25-10-5, the ex parte temporary protection order remains effective until the order issued pursuant to § 25-10-5 is served on the respondent.

An Act to provide that a temporary restraining order may extend beyond thirty days in certain circumstances.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1238

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1238
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State